

Monroe County District Attorney Sandra Doorley

February 24, 2023



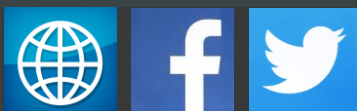
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Monroe County District Attorney's Office

Weekly Newsletter



Welcome to the weekly newsletter from Monroe County District Attorney Sandra Doorley.

Message from Sandra Doorley

Testimony from Albany County District Attorney David Soares

I would like to take this opportunity to yield my typical message to my friend, Albany County District Attorney David Soares. While he did not have the opportunity to testify in front of the New York State Senate Hearing on criminal justice, he submitted his prepared testimony. I would like to share it below at this time.

Sandra

From Albany County District Attorney David Soares

Thank you for having me here to testify about public safety in New York State.

I'm going to open by saying something you've all heard before; the reforms passed in 2017 and 2019, although they were well intentioned and brought about important changes, have been extremely detrimental to public safety.

What you may not have heard before is a hard truth: that these reforms have had their most devastating impact on black and brown communities. If you take an honest look at the data — the increases in crime, the victims of those crimes and the location of the most violent crimes — the connection is quite clear.

I'll set the stage by taking a look at our practices before the reforms. For statistical purposes I will highlight a large metropolitan county and a mid-sized upstate county.

One area that commanded much attention pre-reforms was the percentage of people who were being held on bail post-arrest but pre-conviction. Let's set the record straight: that was always low, even prior to bail reform. In Albany County, 40% of the beds at the correction facility were occupied by sentenced defendants and defendants awaiting trial on violent felonies.

One 2019 study of the jail population in Queens County found that 95% of the defendants being held pretrial were being held on felonies, 41% on violent felonies.



Homicide Update

So far in 2023:

City of Rochester Total: 9

Monroe County Total: 12

The perception that many people were being held on minor charges on low bail amounts was always absolutely false. In fact, the same Queens study showed that defendants being held solely because of their inability to post bail on misdemeanor charges had an average of more than five felony arrests, seven misdemeanor arrests, seven misdemeanor convictions and almost three failures to appear. At some point, repeated violations of the law and disrespect for the process has to be treated with the level of seriousness it deserves.

When bail reform took effect just over three years ago, thousands of defendants were released from local jails. In fact, some judges actually started a “soft launch,” if you will, by releasing some defendants in November of 2019 in anticipation of the new laws, apparently to avoid the mass release of thousands of incarcerated individuals on one day — and perhaps the bad press that would garner.

Among those individuals suddenly released were hundreds of accused drug dealers, car thieves, shoplifters, burglars, and robbers statewide.

Members of law enforcement have often been told that the suspension of services during the overlapping coronavirus pandemic was the driving force behind the increases in crime in 2020. While that was undoubtedly a contributing factor, that is not a holistic explanation for the decline of public safety.

We actually do have a short window of time to analyze that was post-reforms but pre-COVID. That would be the first 2 1/2 months of 2020. Crime had already started rising — by a lot — by the time the coronavirus hit.

In New York City alone, crime rose 20%, ending a 27-year stretch of yearly crime reductions. Crime was up across the board. Burglaries up 26.5%; robbery up 33.9%; grand larceny up 15.8%; car theft up 68%; petit larceny up 19%.

What a coincidence that each of these crimes became a non-bailable offense in 2020, meaning that all those previously held on bail on these charges were released by Jan. 1, 2020. If you deny that the release of hundreds of car thieves, burglars, drug dealers and petty thieves had an obvious impact on crime in New York, you’re denying common sense. You don’t need to be a weatherman to know which way the wind is blowing.

Additionally, the new law created a new form of release: “non-monetary release.” This allows judges to release a defendant without bail but enables them to impose certain conditions, such as requiring the defendant to report to a pretrial agency, seek employment or wear an ankle bracelet. These conditions could only be imposed if the court found that the defendant was a flight risk.

This release condition was designed to replace bail, while placing some restrictions on the defendant intended to be more impactful than release on recognizance. These were imposed, essentially, on the defendants who would have had bail set under the old law. If they had a prior conviction or pending case, it would be even more likely a judge would have set bail under the old law.

If we use the Unified Court System's pretrial data dashboard, and look at the defendants put into the non-monetary release program, we see the following:

- Between Jan. 1, 2020 and June 30, 22, 39.6% of the defendants put into NMR got re-arrested while their case was pending.
- For those defendants put into NMR who had a prior conviction or pending case (79% of the total), the re-arrest rate was 44.6%.
- For those defendants put into NMR charged with commercial burglary, the re-arrest rate was 62%. For residential burglary, it was 47%. For grand larceny, it was 56%. For robbery third degree, it was 56%. For petit larceny, it was 67%.

However, even these numbers undercount the full scope of recidivism. They do not count re-arrests during the time between plea and sentence, which can run for weeks or months. They only count one re-arrest, so if a defendant gets re-arrested four times while out on bail, it only counts in Department of Criminal Justice Services stats as one arrest. The implicit assumption in all of this, that a career criminal is arrested every time they commit a crime, is naïve to say the least.

In the mind of someone who is determined to break the law, the ability to repeat offenses over a short period of time with minimal repercussions serves only to incentivize such behavior.

Speaking of incentivizing behavior with the removal of consequences, the impact of Raise the Age has been comparably detrimental to public safety. Since the implementation of Raise the Age, Albany County has seen approximately 312 Raise the Age cases, involving only 230 defendants. I only say "approximately" because these numbers can change on a day-to-day basis.

34 percent of those defendants have been arrested more than once; 19% percent of those re-arrested were detained as minors. Of those re-arrested, 62% were re-arrested for a violent felony.

But what do those numbers mean? Those numbers mean that transferring a case to family court often leads to the defendant being returned to the very community that led them down that path to begin with. Violent cases need to remain in the adolescent part to prevent further community harm.

Back to the bail reform law, we should also look at the literal wording of the law, specifically, the words "least restrictive." These two words from the Bail Elimination Act are specifically referenced by judges when making a determination on bail. That standard often leads to a demonstrably dangerous person being returned to the same environment and community in which they committed their crimes. This helps neither the community nor the offender.

I'd like to conclude by saying, despite the wild misconceptions, generalizations and assertions of activists about the intentions of prosecutors, our aim isn't to lock up as many people as possible, for as long as possible.

The decade-and-a-half period between the Rockefeller Reforms and Pre Bail Reform in 2020 reflect the greatest gains in public safety in the history of New York State. Prosecutors engaging in intelligence-based investigations and prosecutions applied a tough-on-crime and smart-on-diversion approach that ushered in the age of prison closings throughout New York State. We understand the complicated nature of social determinants of crime and agree that those should also be prioritized. However, pretending that accountability and the immobilization of criminals isn't a critical part of public safety is akin to pretending the Earth is flat.

Just because your echo chamber repeats it, doesn't make it true.

- Albany District Attorney David Soares

Remembering James Lanphere

It was a sad week in the Monroe County District Attorney's Office. We were all devastated to learn that our longtime friend, Jim Lanphere, passed away. By title, Jim was a Criminal Law Assistant in the DA's Office, but he was so much more. Everyone who had the pleasure of working with him over the past 25 years knew Jim for his heart of gold. He would do anything to help out his friends and colleagues, it did not matter the time of day or the request.

Above all else, Jim loved his daughters Ashley and Shawna. They were truly the light of his life and our hearts are with them. We miss you dearly, Rest in Peace, Jim.



Highlights from the MCDA's Office

Mi'Ana Blake was convicted by a Monroe County Court jury of Criminally Negligent Homicide for the death of Jaden Lewis. On August 13, 2021, Mi'Ana Blake drove over 400 feet with Jaden Lewis on the hood of her vehicle. While she was driving, Mr. Lewis fell off, and the defendant drove over his body, causing his death. Mi'Ana Blake will be sentenced on May 8, 2023, in front of New York State Supreme Court Justice Schiano. This case was prosecuted by Assistant District Attorney Kelly Pettrone, of the Felony DWI Bureau.

Lance Mitchel was convicted by a Monroe County Court jury of three counts of Burglary in the 3rd Degree for three burglaries on January 24, 2020, April 18, 2020, and January 2, 2021. Lance Mitchel will be sentenced on April 4, 2023, in front of New York State Supreme Court Justice Sinclair. This case was prosecuted by Assistant District Attorney Sara Vanstrydonck, Chief of the Special Victims Unit. Lance Mitchel is also scheduled for trial for Murder in the 2nd Degree, Tampering with Physical Evidence, and Concealment of a Human Corpse on May 24, 2023, also in front of New York State Supreme Court Justice Sinclair.

The bench trial of the **People vs. Adriel Riley** concluded this week. Family Court and Criminal Youth Part Judge Stacey Romeo has scheduled a verdict for Tuesday, February 28. The defendant is charged with two counts of Murder in the 2nd Degree, Arson in the 4th Degree, and Criminal Possession of a Weapon in the 2nd Degree for the murder of Steven Amenhauser. This case is being prosecuted by Assistant District Attorney Rachel Clark, Deputy Chief of the Domestic Violence Bureau, and Assistant District Attorney Matthew Schiano, of the Youth Part/Major Felony Bureau.

Salahuddin Floyd, Jr. was sentenced by Monroe County Court Judge Morrison to 25 years in the New York State Department of Corrections plus 5 years of post-release supervision for the shooting death of Bryson Simpson. On the afternoon of March 11, 2022, Rochester Police Officers were called to 184 Otis Street for reports of someone shot. 17-year-old Bryson Simpson was found dead outside with a gunshot wound. After a detailed investigation by the Rochester Police Department, it was determined that Salahuddin Floyd, Jr. was responsible for Bryson's shooting death. The case was prosecuted by Assistant District Attorney Michael Harrigan, Chief of the General Felony Bureau.

Dana Smith was sentenced in front of New York State Supreme Court Justice Renzi to 21 years in the New York State Department of Corrections plus 5 years of post-release supervision for causing the death of Todd Hamilton on Boardman Street on May 19, 2020. Dana Smith previously pled guilty to Manslaughter in the 1st Degree. This case was prosecuted by First Assistant District Attorney Perry Duckles.

Marvin Rojas- Maldonado was sentenced by New York State Supreme Court Justice Sinclair to 9 years in the New York State Department of Corrections plus 5 years of post-release supervision for stabbing his girlfriend and her son on August 3, 2021. Maldonado pled guilty to Assault in the 1st Degree for the stabbings. A No Contact Order of Protection was issued for both victims in this case. This case was prosecuted by Assistant District Attorney Drew Kroft, of the Domestic Violence Bureau and Assistant District Attorney Patrick Gallagher, Chief of the Domestic Violence Bureau.

48 Hours Special – the Brighton Ax Murder

Saturday, February 25 at 10:00PM, CBS will air the 48 hours special on the Brighton Ax Murder. This special, hosted by CBS's Erin Moriarty, will take an in-depth look into the 1982 murder of 29-year-old Cathleen Krauseneck and what it took to find justice for her family forty years later.



To see the trailer for tomorrow's episode, check out this link: <https://www.youtube.com/watch?v=Pwzc6sTF-9k>

Welcome to the Office!

This week, we had two Assistant District Attorneys Join our office.

Assistant District Attorney Levi Stoep joins us from the Bronx District Attorney's Office. He will begin his time in Monroe County in Irondequoit Town Court and Greece Town Court. Welcome, Levi!

Assistant District Attorney James Nguyen graduated from Law School this past May and we are excited to bring him into the world of prosecution. James can be spotted in Webster Town Court and Greece Town Court. Welcome, James!



MCDA in the News

<https://www.democratandchronicle.com/story/news/2023/02/24/48-hours-cbs-brighton-ax-murder-case-rochester-ny/69927559007/>

<https://www.whec.com/local/closing-arguments-finish-in-trial-of-teen-accused-of-setting-man-on-fire/>

<https://www.rochesterfirst.com/crime/bench-trial-for-teen-involved-in-intentionally-setting-man-on-fire-to-be-delivered/>

<https://13wham.com/news/local/closing-arguments-wrap-in-trial-of-teen-accused-of-fatally-setting-man-on-fire-rochester-lyell-avenue-steven-amenhauser-adriel-riley-zayvion-perry-2021#>

<https://13wham.com/news/local/man-sentenced-for-2021-stabbing-of-ex-girlfriend-and-her-teenage-son-in-rochester>

<https://www.democratandchronicle.com/story/news/2023/02/20/jermaine-wilkins-shot-killed-on-denver-st-in-rochester-ny/69922242007/>

<https://www.democratandchronicle.com/story/news/2023/02/24/shootings-rochester-ny-three-teens-shot-alphonse-remington-st-james-streets/69938978007/>



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